United Nations A/HRC/37/NGO/15

General Assembly

Distr.: General
2 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy and Human Rights in Bahrain, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01575(E)
1801575

Please recycle

GCC Free Expression and the Qatar Crisis

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 37th Session of the United Nations Human Rights Council to raise serious concerns over the continuing suppression of the right to free expression and opinion in the states of the Gulf Cooperation Council (GCC). We also raise concerns over the human rights impacts of the ongoing diplomatic isolation of Qatar by the other GCC states, including targeting individuals and activists because of comments supporting Qatar.

Free Expression and Opinion

Bahrain

Officially, Bahrain's constitution guarantees the right to free expression. However, in practice a number of laws restrict the right to free speech, in particular the 2006 counter terror law (since updated), the 2002 Press and Publications Law (since updated), the 2015 Cybercrime law, and various provisions of the Penal Code.

Among those targeted by the Bahraini government for exercising their right to free expression is Sheikh Ali Salman, the Secretary General of Bahrain's largest, and now-dissolved, political opposition society, Al-Wefaq. Security forces arrested Sheikh Salman in December 2014. In June 2015, he was convicted of free expression charges stemming from a political speech he had given. He was ultimately sentenced to nine years in prison. Salman now faces new charges alleging collusion with Qatar in 2011, for which he may receive up to life imprisonment.

Security forces have also frequently targeted Nabeel Rajab, the President of the Bahrain Center for Human Rights. Rajab was arrested most recently in June 2016. He has faced numerous charges stemming from comments on Twitter, and in television and press interviews. On 16 January 2018, a court upheld his two-year sentence for giving interviews. He may face 15 years in prison for his comments on Twitter if that sentence is upheld.

Saudi Arabia

A number of laws restrict free expression in Saudi Arabia, including the old 2014 counter-terror law, the new November 2017 counter-terror law and the 2007 Anti-Cybercrime Law. Authorities have used these laws to prosecute human rights defenders and dissidents including Essam Koshak and Salman al-Awda.

Officials arrested activist Essam Koshak in January 2017. While in detention, he was interrogated about his work exposing corruption and defending free expression, in particular opinions he expressed on his personal Twitter account. In early September 2017, authorities detained prominent cleric Salman al-Awda because of comments he made on Twitter expressing support for reconciliation between Saudi Arabia and Qatar.

United Arab Emirates

The United Arab Emirates (UAE) does not respect the right to free expression and opinion. Authorities used the 2014 counter-terror law, 2012 cybercrime law, and various provisions of the Penal Code to restrict free expression while targeting activists and human rights defenders.1

Emirati officials have repeatedly targeted prominent human rights defender Ahmed Mansoor. On 20 March 2017, security forces arrested him and have since held him in arbitrary detention. He has been accused of using social media to "publish false information and rumors" and "promote a sectarian and hate-incited agenda."2

1 "Annual Report: United Arab Emirates: events of 2016," Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/united-arab-emirates.

2 "UN raises concern over human rights in UAE," AlJazeera, 10 January 2018, http://www.aljazeera.com/news/2018/01/raises-concern-human-rights-uae-180110045834391.html.

On 15 March 2017, an Emirati court sentenced Jordanian journalist Tayseer al-Najjar to three years in jail and fined him 500,000 dirhams (136,000 USD) for "insulting the state's symbols" in a Facebook post he published in 2014 while he was still living in Jordan, in which he criticized the UAE's policies towards Israel and Gaza.3 Two weeks later, on 29 March 2017, a court sentenced Dr. Nasser bin Ghaith to ten years in prison including on charges stemming from critical comments he made on Twitter.

Kuwait

Kuwaiti officials invoke the Constitution, provisions of the Penal Code, the Printing and Publication Law, the Misuse of Telephone Communications and Bugging Devices Law, the Public Gathering Law, and the National Unity Law to restrict free expression.4

On 27 November 2017, authorities sentenced more than 60 people to prison for their participation in demonstrations at Kuwait's parliament in 2011 denouncing corruption. At least 16 people were convicted of crimes that included insulting the emir and offending police.5

In early January 2018, reports surfaced that the government had begun to draft a new law that would regulate publishing on Twitter and other social networking sites not covered by the 2016 Electronic Media Law. The draft language states, "It is prohibited to use Twitter as a means of annoyance or aggression against others" in clear violation of the right to free expression.6

Oman

Omani authorities restrict the freedom of expression and opinion largely through the 2002 Telecommunications Act and the 2011 Cybercrime law. In particular, the government has targeted newspapers, with officials closing several news sites over the past several years while arresting and imprisoning activists.7

On 19 November 2017, the Court of Appeal in Muscat upheld the verdict of three years in prison for internet activist Hassan Al-Basham.8 A month earlier, on 5 October 2017, Oman's Supreme Court had issued its final ruling in the case of the *az-Zaman* newspaper, shuttering it permanently.9 It had been closed since August 2016, after it published an article accusing senior figures of corruption. The government has also targeted other news outlets, including newspapers *Mowaten* and *al-Balad*. *Mowaten* was blocked throughout Oman on World Press Freedom Day – 14 January 2016. *Al-Balad* was forced to cease publishing in 2016 after being continually harassed by officials.10

Qatar

---

3 "UAE court sentences Jordanian journalist Tayseer al-Najjar to prison," Global Voices, 16 March 2017, https://advox.globalvoices.org/2017/03/16/uae-court-sentences-jordanian-journalist-tayseer-al-najjar-to-prison/.

4 "Annual Report: Kuwait: events of 2016," Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/kuwait.

5 "Kuwait: Mass Convictions for 2011 Protest," Human Rights Watch, 18 December 2017, https://www.hrw.org/news/2017/12/18/kuwait-mass-convictions-2011-protest.

6 "Kuwait: Government plans law to regulate publishing on Twitter," Gulf Centre for Human Rights, 5 January 2018, http://www.gc4hr.org/news/view/1761.

7 "Annual Report: Oman: events of 2016," Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/oman.

8 "Oman: Court of Appeal again upholds the sentence against Internet activist Hassan Al-Basham," Gulf Centre for Human Rights, 27 November 2017, http://www.gc4hr.org/news/view/1737.

9 "Oman Supreme Court ruling closes 'Azamn' newspaper forever," Gulf Centre for Human Rights, 8 October 2017, http://www.gc4hr.org/news/view/1703.

10 Sophie Marianos, "Omani Journalist Released from Prison," Americans for Democracy & Human Rights in Bahrain, 2 November 2017, http://www.adhrb.org/2017/11/omani-journalist-released-from-prison/.

Although Qatar's constitution guarantees the right to freedom of expression and opinion, several laws, including provisions of the Penal Code and the 2014 cybercrime law restrict this right. The laws criminalize the spreading of "false news" online, or publishing information that "violates social values or principles." The Penal Code provides for up to five-years in jail for criticism of the emir.11

In November 2017, the government blocked access to Doha News, because of an editorial it had published in October 2016 criticizing the cybercrime law.12 In October, Skype confirmed that it was blocked in Qatar.13

The Qatar Crisis and Human Rights

On 5 June 2017, Saudi Arabia, the UAE, Bahrain, and Egypt cut ties with Qatar because of its active foreign policy, allegations that Qatar is sponsoring terrorism. In addition, they ordered all Qatari citizens living in their territories to leave in 14 days, and banned their own citizens from travelling to or residing in Qatar. They also closed their airspace to Qatari aircraft. Saudi Arabia closed its land border with Qatar and banned Qatar-flagged ships from docking at its ports. This is significant because Qatar is dependent on imports over land and sea in order to sustain basic needs.14

On 25 May 2017, Saudi Arabia and the UAE blocked Al-Jazeera in their territories.15 The Saudi and Bahraini governments also arrested individuals accused of expressing sympathy with Qatar. In addition to Salman al-Awda, Saudi authorities arrested cleric Awad al-Qarni, who tweeted in support of Saudi – Qatari reconciliation.16 Bahraini officials arrested lawyer Isa Faraj Al Bou Rashid on free expression charges after he filed a lawsuit challenging the legality of the blockade of Qatar.17

Recommendations

ADHRB calls on the Governments of the GCC to immediately and unconditionally release all individuals arrested and charged for free expression crimes, and to drop all charges against them. We further call on the states of the GCC to repeal all laws that criminalize the universal right to free expression and opinion, and to reform any laws that unduly restrict this right so they are in line with internationally-recognized standards.

ADHRB also calls on Saudi Arabia, Bahrain, and the UAE to life the blockade on Qatar, allow food imports, and immediately and unconditionally release those individuals who were arrested or charged as a result of the Qatar political crisis.

---

11 "Annual report: Qatar, events of 2016, Human Rights Watch, 2017, https://www.hrw.org/world-report/2017/country-chapters/qatar.

12 "Freedom in the World 2017: Qatar," Freedom House, 2017, https://freedomhouse.org/report/freedom-world/2017/qatar.

13 Victoria Scott, "Skype confirms that it is blocked in Qatar," Doha News, 5 October 2017, https://dohanews.co/skype-confirms-that-it-is-blocked-in-qatar/.

14 "Qatar crisis: What do you need to know," BBC, 19 July 2017, http://www.bbc.com/news/world-middle-east-40173757.

15 "Media Blocked: Threatened in Dispute with Qatar," Human Rights Watch, 14 June 2017, https://www.hrw.org/news/2017/06/14/media-blocked-threatened-dispute-qatar.

16 "Saudi Arabia: Prominent clerics arrested," Human Rights Watch, 15 September 2017, https://www.hrw.org/news/2017/09/15/saudi-arabia-prominent-clerics-arrested.

17 "Bahrain arbitrarily arrests lawyer after Qatar lawsuit," Americans for Democracy & Human Rights in Bahrain, 14 June 2017, http://www.adhrb.org/2017/06/bahrain-arbitrarily-arrests-lawyer-qatar-lawsuit/.